

**REMARKS**

The Office Action mailed September 16, 2003 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 13-20 and 22-24 were pending in the application. Claims 13-16, 18-19, and 22-24 have been amended, no claims have been canceled or newly added. Therefore, claims 13-20 and 22-24 are pending in the application and are submitted for reconsideration.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

In the Office Action, claims 13-20 and 22-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 5,875,450 to Reiner et al. (hereafter “Reiner”) in view of U.S. patent 6,595,413 to Sugita (hereafter “Sugita”). Applicant respectfully traverses this rejection, insofar as it is applicable to the pending claims, for at least the following reasons.

The independent claims 13 and 24 recite a system and method related to a portable microprocessor-assisted data medium that, *inter alia*, has one memory divided into (1) a data memory area divided into a plurality of memory areas, (2) each of the plurality of memory areas including access conditions for access to that memory area, (3) the access conditions including at least one data transmission specific access condition, and (4) a program area including a checking program which checks the access condition for each memory area including the data transmission specific access condition and on the basis of the data transmission specific access condition and the current data transmission determines whether access to a particular one of the plurality of memory areas is permitted.

Several of these recited features is not taught or suggested by the applied prior art. *First*, as acknowledged in the Office Action, Reiner does not disclose the claimed use of the checking program that is stored in the memory of the portable microprocessor assisted data medium. The Office Action relies on the Sugita for disclosing this feature. However, even though Sugita includes a program area on the IC card 7, Sugita only discloses an IC card 7 that contains balance and transaction data that is displayed on a display system. There is no checking logic disclosed related to data access for one of a plurality of memory areas on the IC card 7 in the disclosure of Sugita. In fact, Sugita does not disclose or suggest any

particular program logic that is stored in the IC card 7. Almost the entire processing logic disclosed by Sugita is performed by the IC card reader 1 rather than the IC card 7. Therefore, Sugita only teaches that a program may be stored in an IC card and does not teach or suggest the claimed checking program that checks the respective access conditions for a plurality of memory areas and accordingly provides access to the particular memory areas.

*Second*, the pending independent claims 13 and 24 recite that the one memory on the portable microprocessor assisted data medium includes a plurality of memory areas whose access is controlled based on a respective plurality of access conditions that are also stored on the same one memory. This recited feature is not disclosed or suggested by either of the applied references. Specifically, Reiner teaches that access to the memory 5 “through the first interface 1 with contacts, can take place only after driving the first controllable switching device 3 through the logic circuit 8, with it being possible to make generation of the driving signal dependent on additional conditions.” See col. 4, lines 33-39 of Reiner. That is, Reiner teaches that access to the memory 5 in the contacted mode through the first interface is based only on the conditions processed by the logic circuit 8. Accordingly, Reiner does not teach or suggest that recited feature that the one memory of the claimed data medium includes a plurality of memory areas whose access based on a corresponding plurality of access conditions stored on the same one memory (including access conditions based on the data transmission). There is no disclosure that the logic circuit 8 checks any data transmission access condition on the memory 5 or even that there are a plurality of access conditions corresponding to a plurality of memory areas in the memory 5 of Reiner. Furthermore, since this deficiency in Reiner is not cured by any of the other references, the pending independent claims are patentable over the applied references for this additional reason.

The dependent claims are also in condition for allowance for at least the same reasons, as discussed above, as the respective independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole.

For example, claim 22 recites that data transmission specific access conditions can be reprogrammed for each of the plurality of memory areas on the one memory. In view of the discussion above, where neither Reiner nor Sugita even teach or suggest there being a data transmission specific access condition for each of a plurality of memory areas, this feature is

also not taught or suggested by the applied prior art and provides an additional reason for the patentability of this claim.

In view of the foregoing amendments and remarks, applicant believes that the application is in condition for allowance. An indication of the same is respectfully requested. If there are any questions regarding the application, or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is invited to contact the undersigned attorney at the local telephone number below.

**Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicant hereby petitions for any needed extension of time.**

Respectfully submitted,

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